



PATENT APPLICATION
Attorney Docket No. Q63394

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Masuo Aizawa, et al.

Application Serial No.: 09/800,670

(Reissue Application of U.S. Patent
No. 5,879,888 issued on March 9, 1999)

Filed: March 8, 2001

For: LUMINESCENCE BY REACTING AN ACRIDINIUM ESTER WITH SUPEROXIDE

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OFFICE OF PETITIONS

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

We, Masuo AIZAWA, Legal Representative or heirs for Yoshihito IKARIYAMA (deceased), Eiry KOBATAKE, Minoru OGASAWARA and Mitsunao TANAKA, all of Japan, do hereby declare and state, upon information and belief, as follows:

Our residence, mailing address and citizenship are as stated below next to our names.

We believe that we are the original, first and joint inventors of the invention "LUMINESCENCE BY REACTING AN ACRIDINIUM ESTER WITH SUPEROXIDE" which is described and claimed in U.S. Patent No. 5,879,888 issued on March 9, 1999 and assigned to Iatron Laboratories, Inc., the specification of which is submitted with this application for reissue; and that we have reviewed and understand the contents of the specification, *including the claims* including the Preliminary Amendment filed March 8, 2001.

In compliance with 37 C.F.R. §1.175(a)(7) and §1.63(b)(3), we hereby acknowledge our duty to disclose *all* information of which we are aware which is material to patentability as defined in 37 C.F.R. §1.56.

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175
REISSUE APPLICATION OF U.S. PATENT NO. 5,879,888

The priority is claimed from:

Japanese Patent Application

4-266713

Filing Date

September 9, 1992

In compliance with 37 C.F.R. § 1.175(a), we hereby declare and state that U.S. Patent No. 5,879,888 is believed to be at least partly inoperative for the reason that we claimed more or less than we had the right to claim in the patent.

Pursuant to 37 C.F.R. § 1.175(a)(1), we state as follows at least one error in the patent, which is relied on as a basis for this reissue.

The purpose of seeking a reissue patent is to place original dependent claims 4 and 7 into independent form. Original independent claims 1 and 5 include a recitation to an acridinium ester of a general formula (2). However, the specific ester of dependent claims 4 and 7, dependent on independent claims 1 and 5, respectively, does not fall within the scope of general formula (2) of the independent claims.

Therefore, due to their dependencies on independent claims 1 and 5, dependent claims 4 and 7 raise possible issues under 35 U.S.C. §112, second paragraph, 35 U.S.C. §112, fourth paragraph, and 37 C.F.R. §1.75(c) for failing to further limit the subject matter of a previous claim.

Pursuant to 37 C.F.R. §1.175(a)(2), we state that all errors being corrected in the reissue application up to the time of filing this declaration arose without any deceptive intention.

We hereby appoint John H. Mion, Reg. No. 18,879; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy,

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175
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Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603, George F. Lehnigk, Reg. No. 36,359, John T. Callahan, Reg. No. 32,607 and Steven M. Gruskin, Reg. No. 36,818, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to **SUGHRUE MION, PLLC**, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3213.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175
REISSUE APPLICATION OF U.S. PATENT NO. 5,879,888

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REISSUE DECLARATION UNDER 37 C.F.R. § 1.175
REISSUE APPLICATION OF U.S. PATENT NO. 5,879,888

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